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American Rivers
Bay Institute
Defenders of Wildlife
The Endangered Species Coalition
Environmental Defense Fund
Golden Gate Salmon Association
National Audubon Society
Natural Resources Defense Council
The Nature Conservancy
Planning and Conservation League

Dear Members of the NGO Community:

Last week, we held the latest public meeting on the continued development of the Bay Delta Conservation Plan (BDCP) for interested members of the public. The discussions that took place during that public meeting illustrated how much the BDCP process has changed in recent months in response to concerns that your organizations, the National Academy of Sciences, and others made in connection with the draft BDCP document that was released last fall, before the Brown Administration took office. More specifically, your organizations sent the Governor-elect and Secretary Salazar a letter on December 1, 2010, detailing a number of concerns and asking that the Brown and Obama Administrations improve the inclusiveness and transparency of the BDCP process.

Because of the importance of this effort, and the seriousness of purpose reflected in your communications with us, we have been listening to your suggestions and we have made significant changes in how the BDCP process is moving forward. We are writing to acknowledge those changes because we are entering a key flex point in developing the BDCP. As we begin to get input from members of the public on the habitat restoration and other elements of the plan, we need to continue our efforts to improve the process so that future decisions made in both developing the plan, and evaluating its environmental effects, are well-understood and broadly supported. Continued forward progress is essential because we believe that the successful completion of BDCP, as the most ambitious habitat planning effort now taking place in the United States, provides the most promising pathway for successfully meeting the co-equal goals of restoring the Delta and improving the reliability of water supply that the California Legislature established in the 2009 Delta Reform Plan.

Some of the specific topics and processes that we are working on with many of you include:

- We are working toward the completion of the Aquatic Biological Goals and Objectives by the end of October, based on recommendations put forth by an independent science panel that convened this past spring. Some of you are taking part in the Working Group on this subject, and we appreciate your participation. We are confident that a good

product will come out of this effort. Our BDCP consultant, ICF, recently produced a paper explaining the interaction of the goals and objectives with the effects analysis. It is on the BDCP website, and your comments are most welcome. Simply put, we agree that developing and applying a strong set of Aquatic Biological Goals and Objectives is key to a successful BDCP.

- We also are working on identifying an appropriate adaptive range for water operations, and we are beginning work on the development of a robust adaptive management plan that will need to be included in the BDCP. Some of you attended the first meeting of the adaptive limits working group. At the request of American Rivers and other participants, the State and Federal agencies will produce a proposal for the consideration of that group.
- Some of you have suggested that the BDCP process should develop initial operating criteria that are different from those proposed by the State and Federal biological agencies for inclusion in the Effects Analysis. These criteria could be expressed in the alternatives analysis or elsewhere in the process. We agree that the alternatives analysis for the EIS/EIR should evaluate a broad range of operational parameters to better ascertain the ability of any operation to meet the ecosystem restoration objectives of the plan. The agencies are committed to a thorough evaluation of alternatives with an equivalent level of analysis in the CEQA/NEPA process.

Regarding other specific suggestions that you have raised with us, we offer the following comments:

- **Complete a good Effects Analysis.** A schedule to complete the Effects Analysis has been published, a new consultant has been hired, and the work is well under way, which includes independent science review. In order to gain the benefit of your insights and expertise, we would like to invite your full participation in reviewing the effects analysis documents with the State and Federal agencies. We will follow up with you on the best mechanism for doing this.
- **Model State Board Flows for increased Delta outflow.** This work is underway.
- **Consider demand management (conservation) as a means of increasing outflow.** At this time, the BDCP itself does not include specific water demand reduction methods within the scope of the plan conservation measures. More discussion on this point is appropriate. As currently outlined, the EIR/S will include an appendix which will consider how demand management would reduce environmental impacts. Apart from the BDCP, this is something that other planning and regulatory efforts may evaluate.
- **Facility sizing.** This is not a settled issue, and your continued input on this subject is certainly welcome. The Effects Analysis should provide some useful guidance on this subject.

- **Adaptive Management Program.** This is a major subject that can greatly benefit from your involvement. We will be working on the program this fall, and will welcome your assistance.
- **Involve Delta and fishing organizations in BDCP.** We have done so, and their involvement has substantially increased as a result.
- **Provide modeling results.** We have provided many of you with an opportunity to interact with the modeling team, and we are providing more and more of the modeling results to the public.
- **Create technical working groups.** We have done so, and their work continues.
- **Open and Public Meetings.** All our monthly public meetings, working group meetings, and management committee meetings are open to the public.
- **Use of professional facilitation and technical consultants in working groups.** We now are using professional consultants in all of these groups for both these tasks.
- **All written comments should be addressed.** We are doing so to the greatest extent possible. We are also attempting to answer all correspondence to BDCP, which is a change in policy from previous efforts.
- **Develop a realistic timeline.** The State and Federal governments, working with our consultants, have developed a timeline that is very aggressive but that we believe will produce a useful and satisfactory set of documents. We have extended the completion date of the BDCP process to 2013, which we believe will allow timely implementation of the BDCP process.
- **State and Federal agencies should lead the planning process.** This is now definitely the case.
- **Independent Science Review.** As you may be aware, the Delta Independent Science Board is about to embark on a review of the conceptual framework for and methodological foundations of the BDCP Effects Analysis. A good portion of the Board's discussions will be open to the public and we urge you to attend and participate. This independent review will be critical to the success of BDCP and is timed such that the recommendations of the Board can be considered and addressed in the planning process. We are also actively evaluating ways to expand this type of review to help address other science-based issues. Once again, we look forward to working with you in this effort.

Notwithstanding the progress that has been made, we acknowledge that there are ongoing concerns being expressed about the BDCP process. Many of these concerns are outlined in correspondence just received from several of you as we were finalizing this letter. We will be reviewing the issues you raise very closely and respond to them in the near future. In the

interim, please understand that we are continuing to look for ways to improve transparency and broad stakeholder involvement as development of the plan and its related environmental analyses continue.

Finally, and particularly in light of the most recent correspondence, we believe it necessary to improve communication. We, therefore, invite all of you to join a monthly meeting between the State and federal agencies and yourselves. We have asked the Environmental Defense Fund to take the lead in setting up these meetings.

Sincerely,

A

Secretary
Department of the Interior

John Laird
Secretary for Natural Resources
State of California